

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of Permits 18257, 19159, 19160 and 19161  
(Applications 25917, 27087, 27088 and 27089)

**B. J. Deis, a California Corporation**

**ORDER DENYING PETITIONS FOR EXTENSION OF TIME**

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SOURCE: Willow Creek

COUNTY: Lassen

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**WHEREAS:**

You are hereby notified, pursuant to section 844 of Title 23, California Code of Regulations (CCR), that the State Water Resources Control Board (State Water Board) will deny the petitions for extension of time for Permits 18257, 19159, 19160 and 19161 because:

- A) The Permittee has not shown that due diligence has been exercised.
- B) The Permittee has not shown that "failure to comply with previous time requirements has been occasioned by obstacles that could not reasonably be avoided", and
- C) The Permittee has not shown that satisfactory progress will be made if an extension is granted.

The facts and information upon which the proposed denial of the extensions of time are based is as follows:

**A. Permittee Has Not Shown That Due Diligence Has Been Exercised.**

**Permit 18257:**

1. The State Water Board issued Permit 18257 to Belfast Ranch (Permittee), with Everd McCain as agent, on May 13, 1981 and assigned the permit to B.J. Deis, a California Corporation, by letter dated September 27, 2005. B.J. Deis is a corporation owned by Everd and Lola McCain, and their four sons Buzz, John, Doug and Skeet.
2. The permit authorizes collection to storage of 60.7 acre-feet per annum (afa) (13.7 afa in the upper reservoir [Lake Skeet]; 47 afa in the lower reservoir [Lake Buz]) from December 1 through March 31 for irrigation, stockwatering and recreation.
3. The permit requires that construction work be completed by December 1, 1984.
4. The permit requires that Permittee make use of the water authorized under the permit by December 1, 1985.

5. Orders Approving New Development Schedules were issued on May 20, 1986, July 11, 1990 and December 15, 1995. The permit currently requires that construction work be completed by December 31, 2001 and full beneficial use of water be completed by December 31, 2005.
6. Permittee filed a petition for a five-year extension of time on May 13, 2003.
7. Beneficial use of water for stockwatering and recreation is recorded only for the years 1990, 1991, 1992 and 1993. (Progress Reports for 1984 through 2004.) Water has not been used for irrigation, based on the Progress Reports. The 2004 Progress Report was the last report submitted.

Permit 19159:

8. The State Water Board issued Permit 19159 to Belfast Ranch, with Everd McCain as agent, on March 23, 1984 and assigned the permit to B.J. Deis, a California Corporation, by letter dated September 27, 2005.
9. The permit authorizes collection to storage of 91 afa (49 afa in Pressure Reservoir and 42 afa in Collection Reservoir) from December 1 through March 1 for irrigation, stockwatering and recreation.
10. The permit requires that construction work be completed by December 1, 1987.
11. The permit requires that Permittee make use of the water authorized under the permit by December 1, 1988.
12. Orders Approving New Development Schedules were issued on September 11, 1989 and August 31, 1994. The permit currently requires that construction work be completed by December 31, 1998 and full beneficial use of water be completed by December 31, 2003.
13. Permittee filed a petition for a five-year extension of time on May 13, 2003.
14. Beneficial use under Permit 19159 has not commenced. (Progress Reports for 1984 through 2005.)
15. The 2005 Progress Report is the last Progress Report submitted by Permittee.

Permit 19160:

16. The State Water Board issued Permit 19160 to Belfast Ranch, with Everd McCain as agent, on March 23, 1984 and assigned the permit to B.J. Deis, a California Corporation, by letter dated September 27, 2005.
17. The permit authorizes collection to storage of 13.7 afa in Lake Skeet from December 1 to March 31 each year and direct diversion of 80 cubic feet per second (cfs) from January 1 through December 31 each year for power generation. The power project is not subject to regulation by the Federal Energy Regulatory Commission (FERC).
18. The permit requires that construction work be completed by December 1, 1987.

19. The permit requires that Permittee make use of the water authorized under the permit by December 1, 1988.
20. Orders Approving New Development Schedules were issued on September 11, 1989 and August 31, 1994. The permit currently requires that construction work be completed by December 31, 1998 and full beneficial use of water be completed by December 31, 2003.
21. Permittee filed a petition for a five-year extension of time on May 13, 2003.
22. Beneficial use of water under Permit 19160 has not commenced. (Progress Reports for 1984 through 2005.) The 2005 Progress Report was the last report submitted.

Permit 19161:

23. The State Water Board issued Permit 19161 to Belfast Ranch, with Everd McCain as agent, on March 23, 1984 and assigned the permit to B.J. Deis, a California Corporation, by letter dated September 27, 2005.
24. The permit authorizes collection to storage of 47 afa in Lake Skeet from December 1 through March 31 each year and direct diversion of 80 cfs from January 1 through December 31 each year for power generation. The power project is not subject to regulation by FERC.
25. The permit requires that Permittee complete construction work by December 1, 1987.
26. The permit requires that Permittee make use of the water authorized under the permit by December 1, 1988.
27. Orders Approving New Development Schedules were issued on September 11, 1989 and August 31, 1994. The permit currently requires that construction work be completed by December 31, 1998 and full beneficial use of water be completed by December 31, 2003.
28. Permittee filed a petition for a five-year extension of time on May 13, 2003.
29. Beneficial use of water under Permit 19161 has not commenced. (Progress Reports for 1984 through 2005.) The 2005 Progress Report is the last report submitted.

Discussion:

30. Lake Buz was originally constructed in 1982 and washed out due to high flows in 1983 or 1984. (Permit 18257, 1983 and 1984 Progress Reports.) Reconstruction had begun by 1986 and was completed in 1990. (Permit 18257, January 3, 1986 contact report; 1986 through 1990 Progress Reports.)

The Lake Buz Dam washed out a second time in 1993. (Permit 18257, 1993 Progress Report.) Lake Buz Dam was repaired/reconstructed in fall of 2002. (Permit 18257, July 11, 1995 Time Extension Petition; August 9, 2002 Regional Water Quality Control Board (Regional Board) Order for Technically-Conditioned Clean Water Act Section 401 Water Quality Certification, Lake Buz Dam, Lassen County, WDID No. 6A180105013.) Regional Board Order WDID No. 6A180105013 provided the conditions for repairing Lake Buz Dam that was damaged during the winter of 1994-95. The Order states that the project will re-establish the lake that was created in 1982 when the dam was initially built.

Although the 1997, 1998 and 2000 Progress Reports indicate that the dam was repaired prior to 2002, the Regional Board Order indicates that repair did not occur prior to 2002. The California Department of Fish and Game (DFG) approved a section 1603 Agreement June 28, 2001 for repair of Lake Buz Dam.

31. Lake Buzz Dam was considerably damaged during the 2006 New Year storms. Division complaint unit staff has concluded that the facility only stores a fraction of its original capacity. (262.0 (18-27-01), October 3, 2007 Report of Investigation.)
32. Lake Skeet Dam was completed July 25, 2005. (Permit 18257, 2004 Progress Report.) Water has been collected to storage in Lake Skeet after November 15, 2005.
33. Lake Skeet Dam was considerably damaged during the 2006 New Year storms and Division complaint unit staff has concluded that the facility only stores a fraction of its original capacity. (262.0 (18-27-01), October 3, 2007 Report of Investigation.)
34. All four permits require bypass of 10 cfs for protection of fish and wildlife. Permits 18257 and 19159 require that no water may be diverted until Permittee has installed a device, satisfactory to the State Water Board, to which is capable of measuring the flow required by the conditions of the permits. Permittee has not installed the required flow measuring devices. (262.0 (18-27-01), October 3, 2007 Report of Investigation.)
35. All four permits were issued subject to the existing rights determined by the Susan River Adjudication, Superior Court, Lassen County, No. 4573 insofar as said adjudicated rights are maintained and such other rights as may presently exist. For this reason the Permittee may be required, in some years, to terminate its storage collection season on March 1 rather than March 31 of each year.
36. Permits 18257 and 19159 include a condition stating that no water shall be diverted under this permit until Permittee has petitioned the Department of Water Resources to include the diversion and use in the Susan River Watermaster Service Area. The Susan River Watermaster was not formally notified prior to the diversion of water into Lake Buz or Lake Skeet. While an information notification may have been made before diversion of water to storage in Lake Buzz occurred, formal notification did not occur until November 2005. (262.0 (18-27-01), October 3, 2007 Report of Investigation.)
37. On June 28, 2007, Division staff inspected the project and found that Lake Buz and Lake Skeet are currently ineffective at impounding water to seasonal storage. (262.0 (18-27-01), October 3, 2007 Report of Investigation.) The Permittee has taken steps to stabilize the failed sides of the dam, but no construction to rebuild the dams has occurred.
38. The State Water Board is the lead agency pursuant to the California Environmental Quality Act (CEQA) for the time extension petitions. The State Water Board has not prepared a CEQA document for the petitions. Dam failure has resulted in changed instream conditions, as compared to the original conditions evaluated in the October 6, 1982 Initial Study/Negative Declaration (ND) prepared by the County of Lassen. Rebuilding the dams requires that materials be obtained from borrow pits or other locations and the impacts to those areas must be evaluated in the CEQA document, in addition to evaluating the changed instream conditions. Therefore, the 1982 ND cannot be used for purposes of processing the time extension petitions.

On July 29, 2005, the Permittee agreed to pay the cost to prepare a CEQA document. The repeated dam failures constitute an unreasonable method of water diversion and use.

Consequently, the Division has not proceeded to develop a CEQA document for rebuilding the dams and using water pursuant to the permits. The project does not qualify for an Existing Facilities Exemption.

B. The Permittee has not shown that "failure to comply with previous time requirements has been occasioned by obstacles that could not reasonably be avoided".

1. The Lake Buz dam has repeatedly failed. Under Permit 18257, water was put to beneficial use for stockwatering and recreation only during 1990, 1991, 1992 and 1993. Water has not been put to beneficial use under Permits 19159, 19160 and 19161.
2. The Permittee experienced delays in implementing the project due to dam failure. After the dam failed, the Permittee was involved in litigation with Lassen County from 1993 through 2000 regarding the validity of the conditional use permit. The County asserted that the conditional use permit expired and the Permittee contended that it had not expired. The Permittee prevailed in Superior Court. (Permit 18257: Undated letter received January 28, 2005.)

The Army Corps of Engineers required the Permittee to obtain a new permit for reconstruction of the dam. Permittee states that obtaining the Army Corps permit and Regional Board Order WDID No. 6A180105013 regarding Lake Buz repair took three years. (Permit 18257: Undated letter received January 28, 2005.) Since the dam was damaged in 2006, authorization from the Army Corps, Regional Board and DFG will again be needed for the repair work in the waterway.

3. Permittee asserts that prior to construction of Lake Skeet Dam and the upper off-site storage reservoir, the location of the property lines had to be determined. The Permittee relied on the Bureau of Land Management (BLM) to perform this task, which BLM completed in 2004. (Permit 18257: Undated letter received January 28, 2005.) The Permittee designed Lake Skeet Dam after receiving this information. (ibid.)

The Permittee's reliance on others to determine the property line is not an obstacle that could not reasonably be avoided. The Permittee could have paid for a survey of the property line or designed facilities that were sufficiently far from the property line to avoid this issue.

4. Lake Skeet was built after the time to complete construction under the permits expired, but was damaged in 2006. The Permittee will need to obtain permits from the Regional Board, Army Corps and DFG for work in the waterway to repair the facility.
5. Dam failure is not an obstacle that could not reasonably be avoided. The Permittee could have designed the dams using good engineering practices and avoided this issue.
6. Dam failure constitutes an unreasonable method of water diversion and use. The unreasonable method of water diversion and use could have been avoided.

C. The Permittee has not shown that satisfactory progress will be made if an extension is granted.

1. The Permittee has had two dam failures at Lake Buzz and the dam was damaged on a third occasion. The dam at Lake Skeet has been considerably damaged. There is no information in the files to show that safe dams will be constructed, operated and maintained pursuant to Permits 18257, 19159, 19160 and 19161 if an extension of time is granted.

2. The Permittee was not authorized to construct Lake Skeet after the time to complete construction under the permit ended. Consequently, the construction work was unauthorized. Unauthorized construction work is not sufficient cause for granting an extension of time to complete full beneficial use of water.
3. The Division's files do not include any information to document that satisfactory progress will be made if the extensions are granted. The progress made by Permittee to date includes a history of dam failures releasing dam construction materials into the waterway. This is not a reasonable method of diversion of water. Permittee has not shown that reasonable water use will occur.

Based on the Above Facts, the Petitions for Extension of Time are Hereby Denied.

STATE WATER RESOURCES CONTROL BOARD

*James W. Kassel*  
for *Victoria A. Whitney, Chief*  
*Division of Water Rights*

Dated: **JAN - 8 2008**

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

Application 25917 Permit 18257 License                     

**ORDER APPROVING A  
NEW DEVELOPMENT SCHEDULE**

**WHEREAS:**

1. Permit 18257 was issued to Belfast Ranch on May 13, 1981, pursuant to Application 25917.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 2001

(0000008)

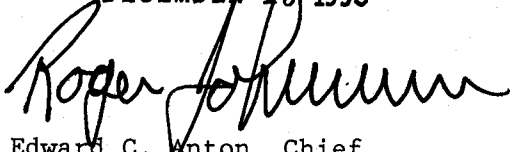
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 2005

(0000009)

Dated: **DECEMBER 15 1995**

  
Edward C. Anton, Chief  
Division of Water Rights

for

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 25917 PERMIT 18257 LICENSE \_\_\_\_\_

**ORDER TO APPROVE A NEW DEVELOPMENT SCHEDULE,  
AND AMEND THE PERMIT**

**WHEREAS:**

1. Permit 18257 was issued to Belfast Ranch on May 13, 1981 pursuant to Application 25917.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
4. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE December 31, 1993 (0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE December 31, 1994 (0000009)

3. Condition 12 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces;

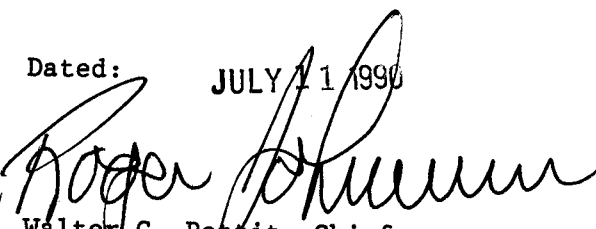


(5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JULY 11 1990

*for*   
Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 25917

PERMIT 18257

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 1, 1988

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 1, 1989

Dated: **MAY** 20 1986

*Lloyd Johnson*  
Lloyd Johnson, Interim Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18257

Application 25917 of BELFAST RANCH

C/O MC CAIN ASSOCIATES, 492 RIO LINDO AVENUE, CHICO, CALIFORNIA 95926

filed on FEBRUARY 6, 1979, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

WILLOW CREEK

SUSAN RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
(1) SOUTH 3,170 FEET AND EAST 265 FEET FROM NW CORNER OF SECTION 18	NW1/4 OF SW1/4	18	30N	14E	MD
(2) SOUTH 265 FEET AND WEST 265 FEET FROM NE CORNER OF SECTION 24	NE1/4 OF NE1/4	24	30N	13E	MD

County of LASSEN

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
RECREATIONAL						
STOCKWATERING	UPPER RESERVOIR IN NW1/4 OF SW1/4	18	30N	14E	MD	
	LOWER RESERVOIR IN NE1/4 OF NE1/4	24	30N	13E	MD	
	E1/2 OF SE1/4	13	30N	13E	MD	
	W1/2 OF SW1/4	18	30N	14E	MD	
IRRIGATION	W1/2 OF SW1/4	18	30N	14E	MD	10.0
	W1/2 OF NW1/4	19	30N	14E	MD	42.0
	SE1/4 OF NE1/4	24	30N	13E	MD	14.7
					TOTAL	66.7

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed A TOTAL OF 60.7 ACRE-Feet PER ANNUM TO BE COLLECTED FROM DECEMBER 1 OF EACH YEAR TO MARCH 31 OF THE SUCCEEDING YEAR AS FOLLOWS: (1) 13.7 ACRE-Feet PER ANNUM IN UPPER RESERVOIR, (2) 47 ACRE-Feet PER ANNUM IN LOWER RESERVOIR.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

(0000007)

8. Said construction work shall be completed on or before DECEMBER 1, 1984.

(0000008)

9. Complete application of the water to the AUTHORIZED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1985.

(0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

14. RIGHTS UNDER THIS PERMIT ARE, AND SHALL BE, SUBJECT TO EXISTING RIGHTS DETERMINED BY THE SUSAN RIVER ADJUDICATION, SUPERIOR COURT, LASSEN COUNTY, NO 4573 INsofar AS SAID ADJUDICATED RIGHTS ARE MAINTAINED AND SUCH OTHER RIGHTS AS MAY PRESENTLY EXIST. FOR THIS REASON THE PERMITTEE MAY BE REQUIRED, IN SOME YEARS, TO TERMINATE ITS STORAGE COLLECTION SEASON ON MARCH 1 RATHER THAN MARCH 31 OF EACH YEAR.

(0000023)

15. PERMITTEE SHALL INSTALL AND MAINTAIN OUTLET PIPES OF ADEQUATE CAPACITY IN HIS DAMS AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIRS WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED.

(0050043)

16. FOR PROTECTION OF FISH AND WILDLIFE, PERMITTEE SHALL RELEASE INTO WILLOW CREEK IMMEDIATELY BELOW THE LOWER DAM 10 CUBIC FEET PER SECOND OR THE NATURAL FLOW, WHICH- EVER IS LESS.

(0140060)

17. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEE HAS INSTALLED A DEVICE, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH IS CAPABLE OF MEASURING THE FLOW REQUIRED BY THE CONDITIONS OF THIS PERMIT. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED.

(0060062)

18. IN COMPLIANCE WITH FISH AND GAME CODE SECTION 5943, IF STORAGE OF WATER AUTHORIZED BY THIS PERMIT IS ON A STREAM NATURALLY FREQUENTED BY FISH, PERMITTEE SHALL ACCORD TO THE PUBLIC, FOR THE PURPOSE OF FISHING, REASONABLE RIGHT OF ACCESS TO THE WATERS IMPOUNDED BY UPPER DAM AND LOWER DAM DURING THE OPEN SEASON FOR THE TAKING OF FISH, SUBJECT TO THE REGULATIONS OF THE FISH AND GAME COMMISSION AND FOR DOMESTIC WATER SUPPLY RESERVOIRS, SUBJECT TO PUBLIC HEALTH REQUIREMENTS OF SECTIONS 7623 TO 7630, TITLE 17, CALIFORNIA ADMINISTRATIVE CODE. (0030064)

19. IN ORDER TO PREVENT DEGRADATION OF THE QUALITY OF WATER DURING AND AFTER CONSTRUCTION OF THE PROJECT, PRIOR TO COMMENCEMENT OF CONSTRUCTION PERMITTEE SHALL FILE A REPORT PURSUANT TO WATER CODE SECTION 13260 AND SHALL COMPLY WITH ANY WASTE DISCHARGE REQUIREMENTS IMPOSED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION, OR BY THE STATE WATER RESOURCES CONTROL BOARD. (0000100)

20. FOR THE PURPOSE OF TEMPERATURE CONTROL, THE INTAKE TO THE STRUCTURES USED TO MAKE RELEASES FOR THE MAINTENANCE OF FISH AND WILDLIFE SHALL BE LOCATED AS NEAR TO THE BOTTOM OF BOTH UPPER DAM AND LOWER DAM AS PRACTICAL. (0000999)

21. IF THE DISSOLVED OXYGEN CONCENTRATION OF WILLOW CREEK BELOW PERMITTEE'S DAMS IS FOUND TO BE BELOW THE CONCENTRATION NORMAL TO THAT REACH OF WILLOW CREEK, PERMITTEE SHALL PROVIDE SUCH FACILITIES AS MAY BE REQUIRED TO INCREASE THE DISSOLVED OXYGEN IMMEDIATELY BELOW LOWER DAM TO CONCENTRATION NORMAL TO THAT REACH OF WILLOW CREEK. (0400500)

22. PERMITTEE SHALL INSTALL AND MAINTAIN DEVICES SATISFACTORY TO THE BOARD TO MEASURE DIVERSIONS FROM THE RESERVOIRS TO DETERMINE THE QUANTITY OF WATER TO BE RETURNED TO WILLOW CREEK FROM THE PERMITTEE'S WELL. (0060400)

23. PERMITTEE SHALL NOT DIVERT AT ANY TIME WHEN SUCH DIVERSION WOULD INTERFERE WITH THE USE OF WATER BY CALIFORNIA DEPARTMENT OF FISH AND GAME AT HONEY LAKE WILDLIFE AREA UNDER ESTABLISHED WATER RIGHTS. (0140400)

24. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEE HAS PETITIONED THE DEPARTMENT OF WATER RESOURCES TO INCLUDE THE DIVERSION AND USE IN THE SUSAN RIVER WATERMASTER SERVICE AREA. (0000999)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

MAY 13 1981

STATE WATER RESOURCES CONTROL BOARD

*Walter Pettit*  
CHIEF, DIVISION OF WATER RIGHTS